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Letter dated 5 May 1999 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the report of the Commissioner for Human Rights (Ombudsman) for 1998 of the Oliy Majlis (Parliament) of Uzbekistan (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the fifty-fourth session of the General Assembly, under item 117 of the preliminary list.

(*Signed*) Alisher **Vohidov**
Permanent Representative

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Annex

[Original: Russian]

Report of the Commissioner for Human Rights (Ombudsman) for 1998 of the Oliy Majlis (Parliament) of Uzbekistan

In 1998, the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis singled out as his main priority the task of ensuring further cooperation and interaction with all State bodies and social organizations responsible for observing, safeguarding, implementing and protecting the rights, freedoms and legitimate interests of the citizens of Uzbekistan.

The objective of interaction between Uzbekistan's Ombudsman and various State bodies and social organizations is, first of all, to ensure the effective enforcement of legislation and prevent human rights violations; secondly, to make greater use of the potential, resources and capabilities of bodies responsible for the judicial and extrajudicial protection of citizens' rights and, thirdly, to unite the efforts of the State and society in creating and implementing a human rights monitoring mechanism.

Cooperation between the Ombudsman and judicial, law enforcement, and other State bodies

With a view to carrying out his functions, in 1998 the Ombudsman cooperated actively with judicial, law enforcement and other State bodies. A commonality of objectives was the prerequisite for developing principles for cooperation with the aforementioned bodies, with due regard for the specific nature of the institution of Ombudsman. These principles formed the basis of the concept of cooperation between the Ombudsman and those bodies.

The concept provides for: improvement of Uzbekistan's legislation; joint discussion of ways of increasing legal protection of citizens; implementation of measures to improve consideration of communications from citizens and prevent violations of citizens' rights and freedoms; joint study of the norms of international law and formulation of proposals on the accession of Uzbekistan to certain international instruments; and joint monitoring of the enforcement of national legislation.

With a view to ensuring the further development of cooperation between the Constitutional Court and the Commissioner for Human Rights, an agreement has been signed on interaction to safeguard human rights and on concerted efforts to improve the human rights situation.

Activities of the Ombudsman to strengthen social monitoring of human rights

During the reporting period, the Ombudsman expanded cooperation with non-governmental organizations in the area of human rights monitoring with a view to obtaining objective and reliable information on the most frequent and blatant human rights violations. This information was brought to the attention of the relevant State bodies. A sociological survey of representatives of approximately 30 non-governmental organizations was conducted in order to determine the nature and extent of their participation in law enforcement activities and identify priority areas requiring the special attention of non-governmental organizations.

On the basis of an analysis of the results of the sociological survey, a concept of cooperation between the Ombudsman and non-governmental organizations was developed; the concept provides for joint monitoring of the observance and protection of human rights in Uzbekistan. The concept made it possible to organize activities in which representatives of relevant non-governmental organizations took part: monitoring the enforcement of the Act on Social Protection of Disabled Persons in Uzbekistan and the Act on the State Pension System; an international seminar entitled "Rights of Military Servicemen and Ensuring Those Rights in a Democratic State", held on 5 October 1998; international scholarly conferences devoted to the fiftieth anniversary of the Universal Declaration of Human Rights; several round tables and meetings devoted to pressing human rights issues; a number of meetings held in various regions of Uzbekistan; and a sociological survey of citizens who petitioned the Ombudsman for assistance.

Of Uzbekistan's non-governmental organizations, the Ombudsman's most active partners are: the Committee of Women, the Soglom Avlod Uchun Fund, Ekosan, the Association of Disabled Persons, the Kamolot Fund, the International Centre for the Further Training of Journalists, the Makhalla Fund, the Committee for the Protection of the Rights of the Individual, the Fund for the Democratization of the Press and Support of Journalists, the Association of Businesswomen and the Public Opinion Centre.

The concept of cooperation between the Ombudsman and the mass media has been developed with a view to ensuring the Commissioner's effective fulfilment of his functions in the area of public consciousness-raising,

inculcating in citizens an awareness of the need to respect and enforce human rights, and improving knowledge about human rights and the work of national human rights institutions.

The Ombudsman, in cooperation with the mass media, regularly published information on specific cases of human rights violations.

Activities of the Commissioner in the field of parliamentary monitoring of the enforcement of human rights legislation

With a view to improving legislation, the Commissioner examines draft legislation in order to ensure conformity with international human rights standards. During the reporting period, the Commissioner's secretariat studied draft texts of the family, land, and housing codes, and bills on freedom of conscience and religious organizations, on elections to local representative government bodies, on the Central Electoral Commission, on guarantees of citizens' voting rights, on the introduction of additions and amendments to the Code on Administrative Responsibility, on guarantees for the exercise of the legal profession and the social protection of lawyers, and others. The secretariat made proposals on ways of improving the aforementioned draft legislation.

In 1998, the Commissioner, working together with committees of the Oliy Majlis, the Oliy Majlis' Institute for Monitoring Current Legislation, representatives of law enforcement agencies, social organizations and other national human rights bodies, monitored the observance in Surkhandarya and Khorezm regions and in Tashkent, of the Act on Social Protection of Disabled Persons in Uzbekistan and, in Tashkent region and Tashkent itself, the Act on the State Pension System.

The monitoring of the Act on Social Protection of Disabled Persons in Uzbekistan brought to light a number of shortcomings in the work of State bodies and officials. A decision was adopted on the implementation of specific measures to eliminate such shortcomings and to prevent disabilities, and appropriate recommendations were sent to the Ministries of Health, Education and Social Security and to the *khokimiyat* (regional administrations) of Surkhandarya and Khorezm regions and the city of Tashkent.

In spite of the measures being taken to implement the Act on the State Pension System in the city of Tashkent and in Tashkent region, time limits for considering citizens' applications for pensions are still not observed, and certain enterprises, institutions and organizations violate citizens' pension rights. Recently, the number of cases involving delays in the payment of pensions in the workplace, reduction of pensions in cases of disability or the loss of a breadwinner, and the improper application of pension legislation have increased. Recommendations on ways of dealing with the failure of State bodies and officials to implement the relevant legislation were submitted to the Pension Fund, the Ministries of Justice and Social Security, and to the *khokimiyat* of Tashkent region and the city of Tashkent.

During the reporting period, the Commissioner made proposals on ways of bringing national legislation into line with the Act on the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis.

The Commissioner for Human Rights is conducting a systematic analysis and study of international human rights conventions. The information collected in the data bank on national and international means of protecting the rights of citizens points to the need to improve citizens' legal protection and bring national legislation into conformity with international conventions.

Consideration by the Commissioner of citizens' complaints and petitions

In 1998, the Commissioner for Human Rights of the Oliy Majlis received 2,875 communications from citizens, which were considered in accordance with legislation currently in force. One thousand three hundred and five communications were received by post and 1,570 were hand-delivered. Oral explanations and consultations were provided in respect of 240 communications.

The number of complaints and communications received during the reporting period rose considerably as compared with 1997, when a total of 2,319 communications were received.

Every third communication (820 in all) concerning blatant violations of citizens' rights and freedoms was monitored. As at 1 January 1999, 205 claims had been settled in favour of the petitioner. Monitoring of the consideration of the others is continuing.

Classification of communications by region

1.	Tashkent (city)	801
2.	Samarkand region	362
3.	Tashkent region	257
4.	Kashkadarya region	185
5.	Surkhandarya region	167

6.	Fergana region	148
7.	Navoi region	101
8.	Andijan region	89
9.	Namangan region	89
10.	Djizak region	86
11.	Syrdarya region	76
12.	Bukhara region	59
13.	Khorezm region	58
14.	Republic of Karakalpakstan	45

Classification of communications by subject

1.	Contestation of court verdicts	856
2.	Unlawful acts committed by law enforcement personnel	533
3.	Unwarranted arrest and indictment	350
4.	Housing and public utilities	264
5.	Labour issues	170
6.	Changes in restrictive measures	127
7.	Social security	106
8.	Registration	65
9.	Contestation of court decisions concerning housing issues	62
10.	Violations of the rights of entrepreneurs	32
11.	Indexation of cash deposits	28
12.	Non-execution of court decisions	24
13.	Education	21
14.	Medical care of convicts	5
15.	Other matters	232

In their communications, the petitioners complain of irregular methods of conducting investigations and of violations of the right of persons under investigation to defence and the obstruction of the work of lawyers by law enforcement personnel. They also complain of infringements of their lawful rights and interests, and the bureaucracy and formalism of local authorities in the settlement of citizens' legitimate claims.

In 1998, the Commissioner for Human Rights of the Oliy Majlis prepared 25 conclusions (12 in 1997), of which 11 (9 in 1997) were sent to the Supreme Court of Uzbekistan and 6 (3 in 1997) to the Office of the Public Prosecutor of Uzbekistan. During that year, the Supreme Court of Uzbekistan issued protests with regard to two cases, and the verdicts and decisions of the courts of first instance were reversed.

The study of citizens' letters and statements shows that the majority of the communications received by the Commissioner for Human Rights of the Oliy Majlis were motivated by the fact that officials who are assigned specific tasks did not solve the problems that were brought before them, were formalistic, indifferent and bureaucratic, and did not provide adequate replies to petitioners concerning the substance of the case. The reluctance of some representatives of local government and administrative bodies to solve the problems of petitioners have led citizens to appeal to higher instances, such as the Supreme Court, the Oliy Majlis, the Office of the President, and international organizations, to help them settle local issues. On the one hand, this gives rise to a vicious practice in which higher instances are forced to take on the work of local government bodies and, on the other, diminishes people's confidence in those government bodies.

On the whole, the study and analysis of claims sent by citizens to the Commissioner for Human Rights of the Oliy Majlis reveal a number of reasons for the gross violations of citizens' rights and freedoms:

- insufficient training, a narrow professional outlook, legal nihilism, carelessness, bureaucracy, the lack of responsibility on the part of some internal affairs workers, the Office of the Public Prosecutor, the courts, leaders of local government and administrative bodies and various organizations and institutions leads to the commission of gross violations of the human rights and freedoms guaranteed in universally recognized norms of international law and the Constitution and legislation of Uzbekistan;
- insufficient supervision by the Public Prosecutor of the legality of and justification for prosecuting individuals, and detaining or arresting them or depriving them of their freedom leads to a situation in which the courts examine individual cases involving persons whose guilt has not been proven by material evidence, and the investigation of which is at times conducted in a superficial manner and without a detailed and critical analysis of the facts of the case. There are still instances where investigating bodies and the courts violate the principle of presumption of

innocence proclaimed in article 26 of the Constitution of Uzbekistan;

- insufficient activity of civic organizations and their lack of interaction with State human rights bodies makes it impossible for society at large to monitor the observance of citizens' rights and freedoms. Civic organizations do not carry out sufficiently broad or comprehensive information and educational campaigns among the population which, owing to its lack of familiarity with the law, cannot demand its enforcement by the relevant bodies and officials.

The results of a sociological survey of visitors to the Ombudsman's office showed that petitioners trust and respect the institution of Ombudsman. Women accounted for 63.4 per cent of the petitioners surveyed.

A disturbing phenomenon is the fact that the participants in the survey stated that corruption and extortion by officials were the main obstacles to the settlement of claims in their favour. This state of affairs calls for vigorous efforts to combat abuse of official position by judicial and law enforcement personnel, as well as by other officials representing State bodies.

It should also be noted that the changes taking place in our society exert a considerable influence on the world outlook and psychology of citizens of Uzbekistan. Petitioners do not, as they did in the past, demand the immediate settlement of their claims but simply request that their case be examined and that justice be restored on the basis of existing legislation.

The authors of most of the communications express their satisfaction with Uzbekistan's achievements and the peace and tranquillity that have been established. They thank the leaders of Uzbekistan for their concern for the people's welfare and their efforts to provide social protection for citizens, and they approve of the establishment of parliamentary and government human rights institutions.

Activities of the Ombudsman to promote international cooperation in the field of human rights

The Ombudsman of Uzbekistan devotes a great deal of attention to promoting international ties. Such ties take many forms: reception of foreign delegations representing various international organizations active in the field of human rights and in the political, social and economic and cultural fields; participation of the Ombudsman in diverse international forums both under the auspices of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and international and foreign ombudsman institutions, and of various international funds interested in the experience of the Ombudsman of Uzbekistan, the first ombudsman in Central Asia; organization, conduct and participation in international forums on democratization, improvement of administration, and human rights, held in Uzbekistan; consideration of communications from international law enforcement organizations and foreign official bodies concerning violations of the rights of citizens of Uzbekistan and individuals residing in its territory.

An important component of the Ombudsman's international cooperation is the consideration of communications from international organizations and bodies of foreign States. In 1998, the Ombudsman's office received 352 communications dealing with human rights violations, of both citizens of Uzbekistan and citizens of other States. The complaints came mainly from Amnesty International, Human Rights Watch, the OSCE liaison office in Central Asia, the Office of the United Nations High Commissioner for Refugees (UNHCR), the human rights commissions attached to the offices of the presidents and to the parliaments of Kazakhstan and Tajikistan, and foreign citizens. On the whole, the communications dealt with the detention and sentencing of individuals, abolition of the death penalty, the violation of various human rights, and problems encountered in bringing Uzbekistan's domestic legislation into conformity with international standards.

The Ombudsman attaches great importance to meetings with foreign representatives, during which there is a lively exchange of information on human rights questions, the development of democracy and the establishment of a State based on rule of law. During the reporting period, the Ombudsman held 34 meetings with representatives of foreign States and international organizations.

In order to tackle urgent problems relating to the observance and protection of human rights in Uzbekistan, exchange information on the experience of other countries in this field and formulate specific recommendations on ways of improving human rights protection in Uzbekistan, the Ombudsman is assisted by an Advisory Board consisting of representatives of national human rights institutions and international organizations.

The Commissioner for Human Rights of the Oliy Majlis is a voting member of the most prestigious human rights protection body, the International Ombudsman Institute. During the reporting period, the Ombudsman of Uzbekistan cooperated closely with the ombudsmen of Poland, Ukraine, the United Kingdom, Latvia, Sweden and the Netherlands.

Information and educational activities of the Ombudsman

With a view to contributing to the implementation of the National Programme for Improving the Public's Knowledge of the Law, the Ombudsman conducted information and educational activities in such areas as: (a) informing the public about the tasks and duties of the Ombudsman; (b) improvement of knowledge of human rights legislation; (c) organization and conduct of international and national seminars and conferences on specific aspects of the observance and protection of citizens' rights; (d) implementation of educational programmes and courses on human rights in higher, secondary and special educational institutions; and (e) lectures and reports at seminars and conferences organized by international human rights organizations and national human rights institutions of Uzbekistan.

As part of the campaign to inform the public about the work of the Ombudsman in Uzbekistan, the Centre for the Study of Human Rights and Humanitarian Law of the Tashkent State Legal Institute and UNHCR provided assistance in the publishing of the brochure "The Ombudsman of the Republic of Uzbekistan" as part of the series "Human Rights Protection in Uzbekistan" (in Russian and English), which describes the history of the establishment of that institution, its legal foundations, the duties of the Ombudsman and the procedure that Uzbek citizens should follow when petitioning the Ombudsman. With a view to elucidating the provisions of the Act on the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis of 27 April 1997, the Adolat Publishing House issued comments on the Act, which explain the specific nature of work of the Ombudsman and the way his office differs from other bodies for the extrajudicial protection of human rights. The Ombudsman also carried out considerable preparatory work on the publication in the Uzbek language of *Comments on an adapted version of the Universal Declaration of Human Rights*.

The Ombudsman has been very active in explaining the provisions of the Act on the Commissioner for Human Rights in the country's regions. Special seminars were held in Andijan, Bukhara, Nukus and Zarafshan, and seminars entitled "Democracy and the rule of law", organized with the assistance of the Conrad Adenauer Foundation, were held in Fergana, Karshi and Armalyk. These seminars dealt not only with the work of the Ombudsman but also the tasks of judicial bodies and law enforcement agencies in the field of human rights protection, and ways of ensuring the supremacy of the law and promoting democratic reforms in Uzbekistan.

During the reporting period, 10 meetings of the Commission attached to the Ombudsman's office were held; the meetings considered and discussed the tasks facing the Ombudsman, his draft reports, and concepts for interaction with various bodies and the mass media. Three meetings held in Tashkent region, Syrdarya region and Djizak region dealt with the results of monitoring the implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Act on Communications from Citizens and the Act on Appeals Brought before the Courts concerning Actions and Decisions that Violate Citizens' Rights and Freedoms.

One aspect of the Ombudsman's information and educational work is the holding of international and national seminars, conferences and round tables to discuss topical human rights issues. In 1998, the Ombudsman held the following events: round table on interaction between the Ombudsman and non-governmental organizations; seminars on the protection of the family and labour rights and interaction between the Ombudsman and judicial bodies in the field of human rights protection; an inter-agency seminar devoted to questions relating to interaction between the Ombudsman and judicial bodies and law enforcement agencies, with the participation of experts of the United Nations Development Programme (UNDP); and an international seminar entitled "Rights of Military Servicemen and Ensuring Those Rights in a Democratic State", with the participation of a representative of the United States military establishment, Mr. D. Johnson, the director of the Office of the Ombudsman for Military Personnel of the Bundestag, Mr. H. Zeidel, and a UNDP expert, Mr. D. Gotterer.

During the reporting period, considerable attention was given to the study of the legislative aspects of human rights and freedoms, cooperation between the State and non-governmental organizations, the Office of the Public Prosecutor and the Ombudsman in the protection of human rights, the State's activities in implementing human rights and ways of improving such activities, an organizational and legal mechanism for implementing Uzbekistan's international human rights obligations.

The full text of the 1998 report of the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis is available in the secretariat of the Ombudsman.